

**PROCEEDINGS  
OF  
CITY COUNCIL MEETING  
OF THE  
CITY OF LOWELL  
MONDAY, APRIL 5, 2021, 7:00 P.M.**

1. **CALL TO ORDER; PLEDGE OF ALLEGIANCE; ROLL CALL.**

The Regular Meeting was called to order at 7:00 p.m. by Mayor DeVore and City Clerk Sue Ullery called roll.

Present: Councilmembers Cliff Yankovich, Jim Salzwedel, Marty Chambers, Mayor DeVore and Leah Groves attending virtual from Ohio.

Absent: None.

Also Present: City Manager Michael Burns, City Clerk, Susan Ullery, DPW Director Dan Czarnecki, Chief of Police Chris Hurst and City Attorney Jessica Woods.

2. **CONSENT AGENDA.**

- Approval of the Agenda as amended adding Kent County Youth Fair as item h.
- Approve and place on file the minutes of the March 15, 2021 Regular City Council Meeting.
- Authorize payment of invoices in the amount of \$337,770.20.

IT WAS MOVED BY SALZWEDEL and seconded by YANKOVICH to approve the consent agenda as amended.

YES: Councilmember Groves, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich and Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

3. **CITIZEN COMMENTS FOR ITEMS NOT ON THE AGENDA.**

Perry Beachum who resides at 924 Riverside Drive in Lowell thanked the Coffee with Council attendees and also stated he is in favor of new cannabis stores in the City of Lowell.

City Clerk Sue Ullery read letter via email into record from Todd Schaal stating his disappointment in the address change for the Riverview Flat Condominiums.

Mayor DeVore noted that the City Assessor Jeff Rashid will come to an upcoming meeting to explain the reason for the address change to the Riverview Flat Condominiums.

4. **OLD BUSINESS.**

a. **Michigan Redistricting Commission.**

City Manager Michael Burns introduced Edward Woods III with the Michigan Independent Citizen Redistricting Commission who provided a PowerPoint explaining redistricting.

b. Covid - 19

City Manager Michael Burns stated City Hall will re-open on May 3, 2021. All employees that want the vaccination should have it by then and if all employees are vaccinated before then, we can reopen sooner.

Kent County declared a state of emergency until June 30, 2021. This allows us to do the hybrid zoom/virtual/in-person option. Public meetings can now be 50% of your normal fire capacity. So for us, that means 38 people can now be in the Council Chambers.

Burns then stated the Governor has ended the water shut off moratorium and asked for Councils direction on when to begin late fees and shut offs again.

Mayor DeVore suggested by the end of May as business should be back to normal for most.

Councilmember Salzwedel suggested we put a notice about beginning shut offs and late fees again in the newsletter and also on Facebook.

c. Showboat.

City Manager Michael Burns stated his only update is with the restrooms. Burns went back to the two bidders who are both design build companies asking them if they built the two bathrooms with the ability to add on to later, having the electrical and plumbing in place for the future add-on, what would the bids come in at? So they are working on putting that together right now.

Councilmember Chambers suggested using a mason block wall might be cheaper.

Councilmember Salzwedel stated he has had some other companies ask about bidding. Also stated we are \$40,000 away from the overall goal set. There is one final brick campaign push they are doing and the PSFU Credit Union is going to price match, up to \$70K. June 11, 2021 will be the Gala for the people that donated, then the expo will be June 12, 2021 which will be open to all public.

d. Monroe St and Washington St Update Overview.

DPW Director Dan Czarnecki read his memo and gave an update on the project.

e. Monroe St Design.

Czarnecki reviewed his memo on the design for Monroe St explaining Williams & Works proposal.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS that the Lowell City Council

approve the Monroe Street Design Engineering Services, Scope of Services with Williams & Works, as outlined in their letter dated March 31, 2021, in an amount not to exceed \$190,000, and authorize the Mayor to sign the necessary agreements.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Councilmember Groves.

NO: None.

ABSENT: None.

MOTION CARRIED.

City Attorney Jessica Wood spoke on the bonding of this project (the process of the legal standpoint) and that this will need to be back on the agenda for a future meeting.

f. Sunday Marihuana Retail Operation Time.

City Manager Michael Burns stated since Meds Café opened last spring, it was the belief, mainly dictated by their operation time was that Sunday operating times for adult use marijuana facilities in the City was 10 AM to 6 PM. When Lume's Special Land Use Permit was approved, one of the conditions of approval were that Sunday's operation time was 10 AM to 6 PM.

Lume has made a request to extend the Sunday closing time from 6 PM to 9 PM. They also referenced our ordinance and it states that facilities can operate from 7 AM to 9 PM daily. (Section 28-30 of the ordinance is included in the packet). With the development of a new ordinance this is something that can easily be misunderstood by all involved in dealing with this, so we need to decide if we keep operation time from 7 AM to 9 PM daily or make a special provision for Sunday sales.

It was a general consensus by the Council members to keep the ordinance as it is and adjust Lume's Special Land Use to reflect the same hours.

5. NEW BUSINESS.

a. Fireworks

City Manager Michael Burns read his memo stating the annual request from the Chamber of Commerce to hold their annual Fireworks festival in conjunction with the Riverwalk Festival on Saturday July 10, 2021. Fireworks will be held in the same location at Stoney Lakeside Park and will begin after 10 PM. Permit, mapping and necessary insurance forms have been provided.

IT WAS MOVED BY SALWEDEL and seconded by DEVORE that the Lowell City Council approve the annual Fireworks event in conjunction with the Riverwalk Festival for Saturday July 10, 2021.

YES: Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers Councilmember Groves and Mayor DeVore.

NO: None.

ABSENT: None.

MOTION CARRIED.

Councilmember Groves recommended that we communicate the exact time and date of the fireworks

on our City Website, Newsletter and Facebook page.

b. Patrol Vehicle 836.

City Manager Michael Burns read his memo stating Sergeant Van Solkema has detailed the Patrol Vehicle they need to purchase agreeing himself that the current patrol vehicle needs to be updated as soon as possible. The total purchase is \$50,938.59. Currently, we are projected to be approximately \$200,000 ahead revenue over expenditures on June 30, 2021 and recommends we purchase the necessary parts for the cage upgrades to the new vehicles now with these funds. We would need to amend this year's budget to include this. Burns also recommends ordering the vehicle now and paying for it on July 1, 2021. That way, we can budget the remaining portion into the upcoming fiscal year.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS to approve the purchase of a replacement Patrol Vehicle 836 at a cost not to exceed \$50,938.59 in the manner described.

YES: Councilmember Yankovich, Councilmember Chambers, Councilmember Groves, Mayor DeVore and Councilmember Salzwedel.

NO: None.

ABSENT: None.

MOTION CARRIED.

c. Police Computers.

Burns stated Sergeant VanSolkema has detailed in his memo the computers that need upgrade. With them no longer being able to upgrade Windows 7, this is a definite need. Our Salvage Funds are not general fund dollars and can be used to purchase this equipment.

IT WAS MOVED BY SALZWEDEL and seconded by GROVES that the Lowell City Council approve the purchase of four new Dell Latitude 5420 Rugged Patrol Computers and Docking Stations from Salvage Funds at a cost not to exceed \$13, 678.12.

YES: Councilmember Chambers, Councilmember Groves, Mayor DeVore, Councilmember Salzwedel and Councilmember Yankovich.

NO: None.

ABSENT: None.

MOTION CARRIED.

d. Jane Ellen.

DPW Director Dan Czarnecki read him memo stating for the 2021 construction season, we are planning to resurface Jane Ellen St. from Sibley St to Donna St. Funding for this work will come out of our City of Lowell Street Funds. The main portion of the work consists of removing the existing, worn out pavement, repair any gravel sub base that has failed, and then pave the street back. There will be some drainage work that is necessary along with minimal curb repairs. At this time, we do not anticipate performing any underground work on the water distribution or sanitary sewer collection system, nor any driveway approach replacement.

IT WAS MOVED BY YANKOVICH and seconded by DeVore that the Lowell City Council approve the Jane Ellen Dr. Improvement – 2021 Project bid from CL Trucking LLC, Ionia, Michigan, for a cost of \$236,036. and authorize the Mayor to sign the documents.

YES: Councilmember Groves, Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, and

Councilmember Chambers.

NO: None.

ABSENT: None.

MOTION CARRIED.

e. N.E. Pump Station. – Roof and Gutter Replacement.

Czarnecki read his memo stating during last fall's routine power washing we discovered the roof shingles and gutters at the N.W. pump station were in need of replacement so we hired Risner's Roofing to install a new steel roof and commercial roof gutters. Today we have a similar situation at our N.E. pump station. The 28-year-old roof shingles and gutters on the Shepard Dr. pump station is in poor condition and in need of replacement. We anticipated these repairs and budgeted \$15,000 for the same 24 gauge standing seam steel roof, commercial gutters and downspouts. Per the City's bid and purchase policy, I attempted to acquire 3 quotes but only received one from Riser's Roofing and their quote meets all specifications and is in under the approved \$15,000.

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to approve the metal roof replacement quote provided by Risner's Roofing and Home Improvement at a cost not to exceed \$10,600.

YES: Mayor DeVore, Councilmember Salzwedel, Councilmember Yankovich, Councilmember Chambers and Councilmember Groves.

NO: None.

ABSENT: None.

MOTION CARRIED.

f. FOIA.

City Attorney Jessica Wood gave a FOIA refresher and went through and explained her handout.

g. Interlocal Agreement for County Designated Assessor.

City Manager Michael Burns read him memo stating the Kent County Equalization Department is responding to a component of Public Act 660 of 2018 (Property Assessing Reform) that requires each county to develop an agreement with local governments to assign an individual to serve as assessor in the case of noncompliance with an audit. We don't expect to need these services bur we are required to have an interlocal agreement (signed by a majority of the assessing districts in the county) in case the need does arise. Kent County identified a qualified Assessing Officer, Laurie Spencer, to serve this role. She will be available to Kent County for a minimum of five years with no retainer fee required. In the highly unlikely event we would be need this service the municipality would be charged \$30 per parcel in 2021 with 5% per year increases through the life of the contract.

IT WAS MOVED BY YANKOVICH and seconded by CHAMBERS that the Lowell City Council approve the Interlocal Agreement for Laurie Spencer to be designated as the County Designated Assessor.

YES: Councilmember Yankovich Councilmember Chambers, Councilmember Groves, Mayor DeVore and Councilmember Salzwedel.

NO: None.

ABSENT: None.

MOTION CARRIED.

h. Kent County Youth Fair.

City Manager Michael Burns read his memo recommending we extend the date of the current lease agreement with Kent County Youth Fair to December 31, 2023. No changes to the agreement other than the date. They believe they will need a year to clear the site of their barns.

IT WAS MOVED BY DEVORE and seconded by GROVES for the Lowell City Council to approve the extension of the date of the current lease agreement with Kent County Youth Fair to December 31, 2023.

YES: Councilmember Chambers, Councilmember Groves, Mayor DeVore, Councilmember Salzwedel and Councilmember Yankovich.

NO: None.

ABSENT: None.

MOTION CARRIED.

6. **BOARD/COMMISSION REPORTS.**

There were none.

7. **BUDGET REPORT.**

There was none.

8. **MANAGER'S REPORT.**

City Manager Michael Burns went over a couple items:

- Burns stated he had talked briefly about the American Recovery Plan money; we are still waiting on more information from the treasury on that but we are supposed to receive around \$400,000. It will come in two disbursements', one in May or June and the other in September or October. But waiting for those guidelines and more information.
- He attended a webinar with the treasury about the marihuana income and they did disclose that the amount of income from sales would go down next year, they did not say how much and he has been very conservative with the projection numbers. The reasons are there are more facilities open statewide, the money for the veterans hasn't been spent yet or allocated and the price of marihuana has gone down now that they are able to grow more and it is only coming from within the State of Michigan. The City will put the money we receive into repairing the local streets.
- Lew Bender will be here Monday, April 26, 2021 at 6:00 PM at the Fire Station and at 3:00 PM with the Fire Authority at the Fire Station.
- The Budget meeting will be held on Saturday May 1, 2021 and will be held in the Council Chambers at 10AM.

9. **APPOINTMENTS.**

Jim Myaard from the Airport Board would like to continue serving.

It was a general consensus of the Councilmembers for Jim Myaard to continue serving on the Airport Board.

10. **COUNCIL COMMENTS**

Councilmember Groves stated it was great to meet a lot of Lowell citizens while getting her petition signed.

Councilmember Chambers wanted to thank the DPW and the police officers for their interactions with the community, the social district is going really well and its bringing people to the City and everyone is really enjoying it.

Councilmember Yankovich is really happy with the social district, it seems to be working great. Keep doing a great job.

Councilmember Salzwedel wanted to congratulate the Lowell wrestling team for their State Championship. And thank you to the DPW for fixing the clock tower time.

11. **ADJOURNMENT.**

IT WAS MOVED BY SALZWEDEL and seconded by CHAMBERS to adjourn at 8:37 p.m.

YES: 5.                      NO: None.                      ABSENT: None.                      MOTION CARRIED.

DATE:

APPROVED:

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Mike DeVore, Mayor

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Sue Ullery, Lowell City Clerk